

January 20, 2010

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
January 26, 2010**

SUBJECT: Text amendment adding Chapter 8.56, Water Conservation and Drought Management Plan Ordinance, to the Municipal Code and Amending Chapter 1.10 (Administrative Citations and Penalties) for Consistency.

Recommendation: Introduce and waive first reading of the "Water Conservation and Drought Management Plan Ordinance and related text amendment."

Background: On August 11, 2009, the City Council directed staff to return with a water conservation ordinance based on the conceptual proposal presented by the Green Task Force, and to solicit public comment in conjunction with the Task Force. All issues raised at the October 7, 2009 Study Session have been addressed, and on January 11, 2010 the Task Force recommended adoption of the attached proposal.

Analysis: The proposed "Water Conservation and Drought Management Plan Ordinance" is intended to reduce imported water demand and increase water supply reliability, improve water quality by reducing runoff, reduce energy used in transporting and treating water, assist in responding to climate change, provide cost benefits, and ensure the City remains eligible for programs administered by the City's water providers.

The proposed ordinance recommendations include permanent water conservation measures, as well as three levels of conservation measures with escalating water restrictions that may be implemented by resolution of the City Council in response to drought conditions.

The proposal has been coordinated with Senate Bill 407 which requires water conservation retrofits through the plumbing code and with the concurrent amendment adding Chapter 8.60 to the Municipal Code. The City Manager or designee is responsible for implementation of the regulations, and enforcement is via the administration citation process.

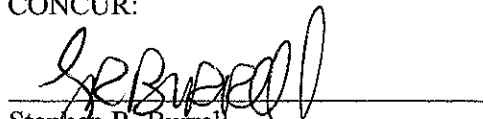


Ken Robertson
Community Development Director



Pamela Townsend
Senior Planner

CONCUR:



Stephen R. Burrell
City Manager

Attachments:

1. Key points of proposed ordinance
2. Proposed ordinance
3. Summary of Public Study Session, October 7, 2009
4. August 11, 2009 City Council Staff Report excerpts

Attachment 1
Proposed Ordinance Summary

| PERMANENT CONSERVATION MEASURES | |
|---|--|
| Use | Requirement |
| Watering Hours and Duration | <ul style="list-style-type: none"> • 6:00 p.m. – 9:00 a.m. • 15 minutes per day • Exemptions: Drip and below-ground irrigation systems and hand held hose with automatic shut-off nozzle |
| Pools and spas | <ul style="list-style-type: none"> • Covers required for new pools and spas. • All pools and spas to have covers by 7/1/12 • Cover overnight and when not in use |
| Leaks, Waste, Excessive Flow/Runoff | <ul style="list-style-type: none"> • Prohibit leaks, waste, over watering, overspray, runoff, watering during rainfall |
| Cleaning surfaces | <ul style="list-style-type: none"> • Prohibited • Exemptions: water broom, pressure washer, water recycling system |
| Leaks, Waste | <ul style="list-style-type: none"> • Prohibited |
| Water Features | <ul style="list-style-type: none"> • Must have re-circulating water |
| Washing Vehicles (Non-Commercial) | <ul style="list-style-type: none"> • Bucket or hand held hose with automatic shut-off nozzle. • Exemption: commercial facilities with water recycling system |
| All Commercial Buildings | <ul style="list-style-type: none"> • No single pass cooling systems • All install low flow toilets by 1/1/14 |
| Eating & Drinking Establishments | <ul style="list-style-type: none"> • Serve water by request only • Water brooms, buckets, low flow cleaning methods • New & replacement pre-rinse nozzles and dishwashers to be water efficient • All pre-rinse nozzles to be water efficient by 7/1/11 • All dishwashers to be water efficient by 1/1/14 |
| Commercial Lodging | <ul style="list-style-type: none"> • Choice to opt-out of daily linen service • Linen service comply with commercial laundry regs |
| Commercial Laundry (non-lodging) | <ul style="list-style-type: none"> • New & replacement washers to be water efficient • All washers to be water efficient by 1/1/14 |
| Commercial Car Wash | <ul style="list-style-type: none"> • New & replacement facility use water recycling system • All use low volume systems by 1/1/12 |

| DROUGHT RESPONSE MEASURES | |
|--|---|
| Drought Level (declared by City Council) | Requirement: Permanente Measures Plus |
| Level 1 | <ul style="list-style-type: none"> • Watering Hours & Duration- 3 days per week • Exemptions: Drip and below-ground irrigation systems and hand held hose with automatic shut-off nozzle |
| Level 2 | <ul style="list-style-type: none"> • Watering Hours & Duration- 2 days per week may further reduce to 1 day per week • Exemptions: Drip and below-ground irrigation systems and hand held hose with automatic shut-off nozzle |
| Level 3 | <ul style="list-style-type: none"> • Irrigation and watering prohibition Exemptions: use of recycled water, drip and below-ground irrigation systems and hand held hose with automatic shut-off nozzle, other specified uses • Cleaning surfaces prohibition Exemptions: commercial may use low flow systems, all may use pressure washers in advance of painting, etc. • Car washing prohibition Exemptions: commercial car wash facilities using low flow or recycled water systems, fund raisers, washing per health codes • Water features prohibition Exemptions: may use recycled water • Commercial lodging- linen service Exemptions: Linen service only on request |

ATTACHMENT 2

AN ORDINANCE OF THE CITY OF HERMOSA BEACH ADDING CHAPTER 8.56 WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN TO TITLE 8 OF THE HERMOSA BEACH MUNICIPAL CODE AND AMENDING CHAPTER 1.10 FOR CONSISTENCY

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: A new Chapter 8.56 is hereby added to Title 8 of the Hermosa Beach Municipal Code to read as follows:

Chapter 8.56

WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN

Sections:

- 8. 56.010 Title.**
- 8. 56.020 Findings.**
- 8. 56.030 Purpose and Intent.**
- 8. 56.040 Definitions.**
- 8. 56.050 Applicability.**
- 8. 56.060 Water Conservation and Drought Management Plan.**
- 8. 56.070 Water Conservation Requirements.**
- 8. 56.080 Drought Response Level 1 – Drought Alert Condition.**
- 8. 56.090 Drought Response Level 2 – Drought Critical Condition.**
- 8. 56.100 Drought Response Level 3 – Drought Emergency Condition**
- 8. 56.110 Procedures for Declaration and Notification of Drought Response Level and Additional Water Conservation Measures.**
- 8. 56.120 Exceptions.**
- 8. 56.130 Penalties and Remedies.**

- 8.56.010 Title.**

This Chapter shall be known as the “City of Hermosa Beach Water Conservation and Drought Management Plan Ordinance.”

- 8.56.020 Findings.**

A. A reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the State, the southern California region and City of Hermosa Beach.

B. The State of California, southern California region and the City of Hermosa Beach suffer from periodic water shortages, and a growing population, climate change, environmental concerns, periodic energy shortages, and other factors make the region highly susceptible to water supply reliability issues.

C. An active water conservation program with conservation measures applicable to all sources and uses of water is essential to ensure a reliable supply of water for drinking, sanitation and fire protection, and to protect the public health, safety and welfare.

D. A Water Conservation and Drought Management Plan is necessary to properly manage water supplies and mitigate the effects of water shortages within the City by reducing water consumption by residents, businesses and visitors, while minimizing the hardship caused to the general public to the greatest extent possible.

E. Recycled water (including water reclaimed by the West Basin Municipal Water District, graywater to the extent allowed by law and capture of rainwater) is a valuable resource that can be used to offset imported and other water supplies and shall therefore be regulated under this Chapter.

8.56.030 Purpose and Intent.

A. The purposes of this Chapter are to increase the conservation and efficient use of potable water, maximize the use of recycled water, and provide a drought management plan. The plan will reduce water consumption and extend available water supplies, minimize the effects and hardship of water shortages on the City and the general public to the greatest extent possible, and maximize the socioeconomic and environmental benefits associated therewith.

B. This ordinance is intended solely to further the conservation of water. It is not intended to implement or supersede any federal, state, or local statute, ordinance or regulation relating to protection of water quality or control of drainage or runoff.

C. This ordinance does not modify, terminate or otherwise affect the water services or water rates of any person.

8.56.040 Definitions.

The terms in this Chapter relating to various uses of property shall be as defined in Title 17 (Zoning) and shall be broadly construed to achieve the purposes of this Chapter. In addition:

"Approval Authority" means the City Manager or his/her designee.

"Commercial" means commercial, industrial, or any other nonresidential business or use.

"Discretionary planning entitlement" means a land use permit or approval granted by the planning commission necessary to proceed with development.

"Existing" as used in this Chapter means, as applicable:

A. An existing building means a building that was constructed or had received all required approvals to commence construction on or prior to April 1, 2010.

B. An existing establishment means a business establishment that was in operation on or prior to April 1, 2010.

"Irrigation system" or "landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated through an automated system.

"New" means as applicable:

- A. "New building" means a building that is constructed, or receives all required approvals to commence construction, after April 1, 2010.
- B. "New establishment," "new business" or "new facility" mean a business establishment that initiates operation, or receives all required approvals to initiate operation, after April 1, 2010.

"Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

"Positive action quick-release shutoff valve or nozzle" means a hand-held sprayer or similar device that quickly, automatically and absolutely stops the flow of water when the user stops exerting pressure. Water-efficient devices emit not more than three (3) gallons of water per minute.

"Pre-rinse dishwashing spray nozzle" means a hand-held device that uses a spray of water to remove food and grease from dishware, utensils and pans before placing them in the dishwasher that emits not more than 1.6 gallons of water per minute.

"Pressure washer" means a water conserving cleaning device that emits not more than three (3) gallons of water per minute.

"Recycled water" or "recycling system" means the capture, reclamation and reuse of non-potable water for beneficial use.

"Single pass cooling system" means equipment where water is circulated only once to cool equipment before the water is disposed.

"Water broom" means a water conserving sweeping device with spray jets that emit not more than three (3) gallons of water per minute.

"Water-efficient" means a water conserving fixture, device or system that complies with the water conservation standards of the most current edition of the California Plumbing Code or, if no standard applies, is EPA WaterSense labeled or its equivalent. In no case shall the fixture, device or system use more water than is indicated by the standard stated in this section.

"Water-efficient irrigation systems" means systems using water conserving devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit not more than two (2) gallons of water per hour, and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.

"Water-efficient dishwashing machines or systems" mean devices that use not more than one (1) gallon of water per rack.

"Water-efficient laundry washing machines" means machines have a water factor of 6.0 or less, wherein water factor means the number of gallons of water used per cycle, divided by the tub volume.

"Water-efficient toilet" means toilets using not more than 1.6 gallons per flush or urinals using not more than one (1) gallon per flush.

"Water recycling system" means a system that reclaims and reuses non-potable water.

8.56.050 Applicability.

This Chapter is applicable to every person, commercial business, or other water user in the use of any water within the City. The City Council may by resolution exempt pilot programs or special programs of limited scope undertaken by the City or undertaken in conjunction with the City's water providers.

8.56.060 Water Conservation and Drought Management Plan.

This Chapter establishes a water conservation and drought management plan consisting of both permanent regulations designed to reduce water usage and increase the efficiency of water use on an ongoing basis, and three increasingly restrictive levels of drought response actions to be implemented in times of drought conditions.

8.56.070 Water Conservation Requirements.

The following water conservation requirements shall apply to all persons:

A. Landscaping.

1. **Watering hours and duration.** No lawn or landscaped area shall be irrigated or watered by any means between the hours of 9:00 a.m. and 6:00 p.m. on any day. Above-ground spray irrigation or watering shall not exceed fifteen (15) minutes per irrigation station or area. This provision shall not apply to drip irrigation systems, use of a hand-held bucket or similar container, use of a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, irrigation necessary to establish newly planted low water usage plants, or water expended for limited periods of time necessary for irrigation system maintenance or leak repair.
2. **Over-watering:** No lawn or landscaped area shall be irrigated or watered to the point where excess water ponds, sprays or runs off the lawn or landscaped area onto any walkways, sidewalks, driveways, streets, alleys or storm drains.
3. **Irrigation during rainfall:** No lawn or landscaped area shall be irrigated or watered during rainfall or within 24 hours after measurable rainfall.
4. **Landscape maintenance:** All lawns and landscaping shall be regularly maintained to reduce water use by such methods as aerating, thatching and mulching.
5. **Landscape irrigation system maintenance:** Landscape irrigation systems shall be regularly inspected, maintained and repaired to eliminate leaks, remove obstructions to water emission devices and eliminate overspraying.

B. Pools and spas. New pools and spas shall be equipped with a cover. Not later than July 1, 2012, all existing pools and spas shall be constructed, installed or equipped with a cover. Pools and spas shall be covered overnight and daily when use is concluded.

C. Water fountains and decorative water features. No person shall operate a fountain or other decorative water feature that does not recycle or re-circulate the water utilized by the device.

D. Cleaning. No person shall use water to wash or clean any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; however, use of water brooms or pressure washers or similar low flow technology, or water recycling systems to clean these surfaces, is permitted. In no case shall such water run off the property or drain onto any walkways, sidewalks, streets, alleys or storm drains.

E. **Car washing.** No person shall use water to wash or clean any motorized or un-motorized vehicle, including, but not limited to, an automobile, truck, boat, van, bus, motorcycle, trailer or similar vehicle, except by use of a bucket or similar container or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility that uses a water recycling system to capture or reuse water.

F. **Waste and leaks.** No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture.
2. Cause, permit or allow water to flow from any source on private or public property onto walkways, sidewalks, streets, alleys or storm drains, except as a result of rainfall or pumping excessive groundwater infiltration, such as by means of a sump pump.
3. The use of water for cleaning, washing and other uses shall be performed in an efficient manner to reduce waste and total water use.

G. **All commercial establishments.**

1. **Single pass cooling systems.** Single-pass cooling systems shall not be installed in new commercial buildings. When single pass cooling systems in existing businesses are replaced, single pass cooling system shall not be installed as a replacement.
2. **Toilets.** New commercial establishments shall install and use only water-efficient toilets. All existing commercial establishments shall install and use only water-efficient toilets by January 1, 2014.

H. **Eating and drinking establishments.** The following provisions shall also apply to all restaurants, cafes, snack shops, bars, other eating and drinking establishments, and food catering businesses:

1. All establishments shall only provide drinking water to customers upon request.
2. All establishments shall install and use low-flow pre-rinse dishwashing spray nozzles by July 1, 2011.
3. All establishments shall use low-flow technologies for washing and cleaning floors and surfaces, such as using a hand-held bucket or similar container and mop, water brooms or pressure washers.
4. New establishments shall install and use water-efficient dishwashing machines or systems. When dishwashing machines in existing businesses are replaced, water-efficient dishwashing machines or systems shall be installed. All existing establishments shall install and use only water-efficient dishwashing machines or systems by January 1, 2014.

I. **Hotels and motels.** The following provisions shall apply to all hotels, motels, hostels, bed and breakfast and similar temporary accommodation establishments:

1. All establishments shall provide customers the option of choosing not to have towels and linens laundered daily and shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language.
2. All establishments that provide on-premises facilities for laundering towels or linens shall comply with Subsection J of this Section.
3. All establishments that provide food services shall comply with Subsection H of this Section.

J. Laundry businesses. New commercial laundry businesses shall install and use water recycling systems. When washing machines in existing businesses are replaced, water-efficient laundry washing or water recycling systems shall be installed. All existing laundry businesses shall install and use only water-efficient laundry washing machines or water recycling systems by January 1, 2014.

K. Commercial car wash facilities. New commercial conveyor-type car wash facilities shall install water recycling systems. All existing conveyor car wash systems shall install and operate only water recycling systems by January 1, 2012. All existing commercial car wash operations, including those accessory to another use, shall use high pressure, low volume wash systems, bucket or similar container, and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, or similar low-flow device by January 1, 2012.

L. Exceptions. The provisions of this Section are not applicable to uses of water that are necessary to protect public health and safety or for essential governmental services when such uses of water cannot be reduced, such as for fire-fighting and other similar emergency services.

8.56.080 Drought Response Level 1 – Drought Alert Condition.

A. The City Council may by resolution declare a Drought Alert condition and implement the Level 1 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of up to ten (10) percent is required in order to have sufficient water supplies available to meet anticipated demands.

B. Except as otherwise stated in this Chapter, during a Level 1 Drought Alert condition all persons using water shall comply with the following additional conservation measures:

1. **Watering days and duration.** Limit lawn and landscape watering or irrigation to no more than three (3) days per week. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

8.56.090 Drought Response Level 2 – Drought Critical Condition.

A. The City Council may by resolution declare a Drought Critical condition and implement the Level 2 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of

ten (10) to twenty (20) percent is required in order to have sufficient water supplies available to meet anticipated demands.

B. During a Drought Critical condition all persons using water shall comply the following additional conservation measures:

1. **Watering days and duration.** Limit lawn and landscape watering or irrigation to no more than two (2) days per week, provided that the City Council may by resolution limit lawn and landscape watering or irrigation to no more than one (1) day per week to achieve a reduction of up to twenty (20) percent. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities. The City Council may by resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

8.56.100 Drought Response Level 3 – Drought Emergency Condition.

A. The City Council may by resolution declare a Drought Emergency condition and implement the Level 3 conservation measures set forth in this section on the grounds that overall consumer demand reduction of more than twenty (20) percent is required because the ordinary demands and requirements of water consumers cannot be satisfied without depleting water supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

B. During a Drought Emergency condition all persons using water shall comply with Sections 8.56.070 (Water Conservation Requirements) and the following additional mandatory conservation measures:

1. **Irrigation and watering prohibition.** No lawn or landscaping watering or irrigation shall be allowed. This subsection shall not apply to the following, provided that watering days and watering duration shall comply with Subsection B of Section 8.56.090:
 - a. Irrigation or watering using recycled water.
 - b. Irrigation necessary to establish new plantings of low water usage plants or commercial nurseries.
 - c. Water efficient landscape irrigation systems using water efficient devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit no more than two (2) gallons per hour and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.
 - d. Maintenance of trees and shrubs that are watered by using a bucket or other watering container, hand-held hose equipped with positive action quick-release shutoff valve or nozzle, or similar low-volume non-spray irrigation.
 - e. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Chief.
 - f. Maintenance of existing landscaping on slopes exceeding ten (10) percent for erosion control.
 - g. Maintenance of landscaping within active public parks and playing fields, day care center play areas, and school grounds.
 - h. Public works projects.

- i. Maintenance of plant materials identified to be rare, threatened or endangered or essential to the health of documented rare, threatened or endangered animals.
2. **Cleaning surfaces.** Water shall not be used to wash, clean or clear any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; except commercial or industrial establishments may use water broom, pressure washer or similar low flow technology or water recycling systems when necessary to comply with health, safety, water quality or other regulations verified by the approval authority. Pressure washers may be used to clean surfaces in preparation for painting, construction, or occasional seasonal maintenance when other methods are not practical.
3. **Car Washing.** Vehicles shall not be washed, except at commercial car wash facilities that recycle water or use high pressure, low volume wash systems. Subject to Subsection E of Section 8.56.070, this provision shall not apply to car washes held as fund raising activities for bona fide community organizations, washing of garbage trucks, or washing of vehicles used to transport food and perishables, and washing of other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.
4. **Ornamental Ponds and Lakes.** Ornamental ponds or lakes if empty shall not be filled, and if filled shall not be refilled or replenished.
5. **Hotels and Motels: Mandatory Laundry Opt-Out.** Hotels, motels, hostels, bed and breakfasts and similar establishments shall not provide daily towel and linen laundering service to customers, except upon a specific request.

8.56.110 Procedures for Declaration and Notification of Drought Response Level and Additional Water Conservation Measures.

A. The City Council shall declare a Drought Response Level 1, 2 or 3 by resolution in the manner required by law and City procedures.

B. The City Council shall declare the end to any Drought Response Level by the adoption of a resolution in the manner required by law and City procedures.

8.56.120 Exception.

A. An exception to any water conservation requirement of this Chapter may be granted or conditionally granted in accordance with the following requirements.

1. **Application.** Any water user may file an application with the Community Development Department for an exception from one or more water conservation measures on a form provided by the City, including supporting documents and information demonstrating the grounds for the requested exception, accompanied by a fee set by resolution of the City Council.
2. **Findings.** The approving authority may approve, conditionally approve or deny an application for an exception from water conservation measures. An application for an exception shall be denied unless the approval authority finds, based on the information provided in the application, supporting documents or such additional information as may be requested, all of the following:

- a. That, due to special circumstances applicable to the property or its use, the strict application of this ordinance would disproportionately impact the property or use when compared to similar types of uses or properties; and
 - b. That other water conserving measures to substantially off-set the proposed water use have been or will be employed as a condition of the approval, or the lack of such measures will not materially affect the ability of the City to achieve the purposes of this Chapter; and
 - c. That the exception does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.
3. **Approval authority.** The approval authority shall act upon any application no later than ten (10) days after receipt of a complete application, and may approve, conditionally approve, or deny the exception. The applicant requesting the exception shall be promptly notified in writing of any action taken. Unless otherwise specified at the time an exception is approved, the exception shall only apply during the period of the specific circumstances from which an exception is requested.
 4. **Appeals.** An applicant may appeal the approval authority's decision, or any conditions placed on the approval, to the City Council within ten (10) days of the date of decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by resolution of the City Council. The City Council shall review the appeal at the next available meeting that the item may be heard.

8.56.130 Penalties and Remedies. Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter 1.10.

SECTION 2. Subsection A of Section 1.10.040 of Title 1, Chapter 1.10 of the Hermosa Beach Municipal Code is amended by amending item 14 and adding new items 16 and 17, to read as follows:

14. Sections 16.16.070 and 16.16.080: Grease Recovery Systems
16. Chapter 8.56: Water Conservation and Drought Management Plan
17. Chapter 8.60: Water Efficient Landscape

SECTION 3. Section 15061(b)(3) of Title 14 of the California Code of Regulations exempts the Ordinance from the requirements of the California Environmental Quality Act because it prohibits water wasting within an urban environment and institutes behavioral practices that are themselves not within the definition of a 'project' under CEQA, institutes restrictions on water use in times of drought, and it complements and reinforces restrictions on the introduction of pollutants into the municipal storm water system. Therefore, it can be seen with certainty that there is no possibility that this ordinance will cause a direct physical change in the environment, and therefore the adoption of this ordinance is not considered a project per §21065 of CEQA. Consequently, it is categorically exempt in accordance with CEQA Guidelines §15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment and §15307 as an action taken by a regulatory agency to assure maintenance of water, a natural resource.

SECTION 4. This Ordinance shall become effective and be in full force and in effect from and after thirty (30) days of its final passage and adoption.

SECTION 5. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this Ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original Ordinances of said City, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this ____ of _____ 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

City Clerk

ATTACHMENT 3

SUMMARY OF PUBLIC STUDY SESSION –
DRAFT WATER CONSERVATION ORDINANCE

CITY OF HERMOSA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT AND GREEN TASK FORCE

City Hall Council Chambers, 1315 Valley Drive
HERMOSA BEACH, CA 90254

**October 7, 2009
7:00 to 8:30 P.M.**

1. Welcome, Roll Call and Introductions

Study session called to order by Phil Friedl, Green Task Force Chair.
All present except Ann Hempelmann and Geri Shapiro (Kris Kimble arrived under item 2.).
Also Present: Ken Robertson, Community Development Director and Pamela Townsend,
Senior Planner

2. Framework for the Water Conservation Ordinance

Senior Planner Townsend summarized the history of the idea for the ordinance, summarized the proposal, and its relationship to water rates.

3. Why a Water Conservation Ordinance?

West Basin Municipal Water District: E.J. Caldwell, Legislative and Governmental Affairs, summarized water conservation issues, pending DWR rules mandating a 20% water reduction, and relationship of grants and water conservation ordinances.

The Task Force asked for follow-up information on the best ways to be successful in implementing a water conservation ordinance.

California Water Service Company: Henry Wind, General Manager, summarized the role of CalWater.

4. Draft Water Conservation Ordinance Review

8.56.070.A-1: Task Force: Modify to address watering during rain in view of difficulties in resetting controls to deal with rain, etc.

8.56.070.D-1: Task Force: Evaluate whether pressure washers are water conserving and should be allowed; if so, how does this relate to pressure washing walls in conjunction with maintenance, etc.

Clayton Shepherd, Hermosa Beach resident: Water rationing will drive up costs of water to compensate for loss of revenue to Cal Water. Under Level 2, allow people to wash cars with hose with shut-off valve; a ban would also affect car washes as youth fund raisers. Under Level 2, allow pressure washers which are water conserving.

John Tootle, Corporate Counsel, commented: 8.56.100.B.3 and 8.56.110.B.2: these sections are inappropriate to Hermosa Beach as the state occupies the field and the city is not a water distributor. The California PUC has jurisdiction over CalWater. 8.56.040.C: add reference – the ordinance does not supersede filings and tariffs of the water provider.

Henry Wind responded to the comment that water conservation will increase water rates. Reduced consumption does reduce revenues about 50% since cost of purchasing and pumping water is also decreased. In fact, penalty rates which will be assessed by MWD if conservation is not achieved will increase the cost of water by a factor of 4, thereby resulting in higher rates than would occur if conservation is successful.

Kris Kimble motion/Elizabeth Riley second to look at incorporating CalWater/West Basin MWD's 10 'behavioral' water saving tips into the draft ordinance, even if such measures are advisory. Motion passed 5/3.

Brain Schoening noted that while the HB draft may appear more stringent than Manhattan Beach on a per Level basis, MB – which is a water provider– has Levels 1-5, while the HB draft proposes only Levels 1-3 (measures are compressed).

The Task Force discussed whether the 'additional measures' presented to the City Council, such as retrofits at point of sale, will be added. It was agreed this would be provided as an additional option when the proposal goes to Council.

5. Next Steps

Senior Planner Townsend advised that comment continue to be welcome, outreach to the Chamber has been made. The draft will be revised in communication with the Water Subcommittee and forwarded to City Council for action, possibly November 10th.

Workshop adjourned at 8:55 p.m.

Attachment 4

4. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

Items 2(c), (d) and (e) were heard at this time but are shown in order for clarity.

Public comments on items removed from the Consent Calendar are shown under the appropriate item.

5. PUBLIC HEARINGS - None

6. MUNICIPAL MATTERS

a. PRESENTATION OF WATER CONSERVATION ORDINANCE RECOMMENDATIONS BY HERMOSA BEACH GREEN TASK FORCE.

Memorandum from Community Development Director Ken Robertson dated August 4, 2009.

Community Development Director Robertson presented the staff report and responded to Council questions. City Manager Burrell and Senior Planner Pam Townsend also responded to Council questions.

Coming forward to address the Council on this item were:

Brian Schoenig – Green Task Force, discussed the extreme drought in California and presented the Task Force's recommendations for adoption of a water conservation ordinance;

E. J. Caldwell – West Basin Water District, discussed the California drought, legislation (AB49), PUC regulations, water allocation, and rebates;

Dan Trejo – California Water Service, supported an ordinance; discussed tiered rates and the effect conservation enforcement would have on the community, with no adverse effect on those already conserving;

Jim Lissner – Hermosa Beach, did not believe Hermosa residents were the type of people that waste water; did not want to see money spent on a water conservation program, the money should instead go to schools;

Sandi Pfister – Hermosa Beach, said water should not stand alone as a conservation issue; said with the tiered rates, penalties would occur if a house is sold to a larger family, said penalties were not a good idea and point of sale should not be an issue; and

David Kissinger – South Bay Realtors, said putting on a requirement for retrofit when a home is sold would not accomplish goals.

Action: To schedule a public hearing and refer the recommendations of the Green Task Force to staff for preparation of a water conservation ordinance, working with the affected and interested parties, for City Council consideration.

Motion Keegan, second DiVirgilio. The motion carried, noting the absence of Tucker.

August 4, 2009

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
August 11, 2009**

SUBJECT: Presentation of Water Conservation Ordinance Recommendations by Hermosa Beach Green Task Force

Recommendation: Refer the water conservation ordinance recommendations of the Green Task force to staff to prepare a water conservation ordinance, working with affected and interested parties, for City Council consideration.

Background/Analysis: In response to State and regional drought conditions, the Green Task Force on July 13, 2009 recommended the City Council consider adoption of a water conservation ordinance as outlined in Attachment 1. The Green Task Force is charged with advising the City Council on and promoting best management practices in water use reduction among other issues. In addition, City Council Resolution 08-6578 recognized existing drought conditions and the uncertainty as to the region's imported water supplies from the Sacramento-San Joaquin Delta and the Colorado River. Conservation programs reduce imported water needs, improve water quality, increasing the region's water supply reliability, reduce energy demands, assist in responding to climate change, and lower consumer costs.

The Task Force's water conservation ordinance recommendations include permanent water conservation measures and three levels of conservation measures as summarized in Attachment 1. The attachment also compares the proposal with ordinances adopted by Manhattan Beach and Torrance. These ordinances are generally modeled after Metropolitan Water District's (MWD) model water conservation ordinance developed as a tool to help local jurisdictions consider adoption and enforcement of local water conservation ordinances.

MWD's model ordinance proposes three water conservation levels with escalating water restrictions, from preventing wasteful practices to mandatory restrictions signifying percentage cutbacks in delivery of water supplies to its member agencies. Level 1 signifies up to 15% cutback; Level 2: up to 30%; Level 3: more than 30%. Cities considering an ordinance have full discretion in determining when and how to invoke water conservation measures, what measures should be required, and how enforcement will be carried out.

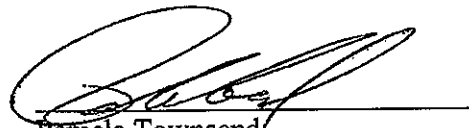
The City's water wholesaler, West Basin Municipal Water District, and water retailer, California Water Service, support implementation of a water conservation ordinance¹ in order to ensure that cutbacks in water supplies are complemented by reductions in water demand; without a reduction in water demand, financial penalties are eventually passed on to the retail customer. These agencies along with Public Works would be consulted during preparation of a conservation ordinance.

¹ California Water Service has emailed several comments to staff; most notably that Cal Water does not support the prohibition on new water services proposed as a Level 3 conservation measure due to PUC rules, together with an acknowledgement that Cal Water is governed by the PUC.


Staff notes that Cal Water has activated Stage I of its Drought Management Plan and is encouraging its customers to reduce their water usage by 10%, including implementing tiered rates that will reward conservation efforts. Regardless of this program, the Green Task Force believes it is important to induce permanent behavior changes as potable water becomes more scarce. As part of its Water Reliability 2020 Program, West Basin MUD is working to further diversify its water supplies, reduce reliance on imported water and increase conservation from 7% to 12% conservation by 2020.

Summary:

The Green Task Force believes water conservation is of some urgency and is therefore forwarding its recommendations on a water conservation ordinance at this time. Given the urgency, and since the role of the Task Force is to advise the City Council, the Task force has not actively gathered public input beyond holding a public discussion at their July 13th meeting. The Task Force and staff recognize the importance of gathering more public input, learning from experiences of other cities, and coordinating a Hermosa Beach ordinance with those of adjacent cities in order to reduce confusion, and educating the public about the ordinance.




Pamela Townsend
Senior Planner



Ken Robertson
Community Development Director

CONCUR:



Stephen R. Burrell
City Manager

Attachments:

1. Green Task Force Conceptual Water Conservation Ordinance
2. Water Services in Hermosa Beach
3. Summary of Metropolitan Water District of Southern California's model ordinance